



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/015,677 | 12/17/2001 | Patrick Baudisch | D/A1188Q2 | 5086 |
| 7590 07/13/2007 Patent Documentation Center Xerox Corporation Xerox Square, 20th Floor 100 Clinton Ave. S. Rochester, NY 14644 | | | EXAMINER SHANKAR, VIJAY | |
| | | | ART UNIT 2629 | PAPER NUMBER |
| | | | MAIL DATE 07/13/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/015,677 | BAUDISCH ET AL. | |
| | Examiner | Art Unit | |
| | VIJAY SHANKAR | 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/25/06, 3/01/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 10-17, 22 of copending Application No. 10/015,642. Although the conflicting claims are not identical, they are not patentably distinct from each other because Claim 1 of the instant application and Claim 1 of copending Application No. 10/015,642 are very similar. Both Claim 1 of the instant application and Claim 1 of copending Application No. 10/015,642 teach a method for displaying a perceived continuous image across first and second display areas, each display area having a given display resolution and the

Art Unit: 2629

display resolution of one display area is different than the display resolution of the other display area comprising: a) providing a source image to be displayed on the first and second display areas ;b) providing first and second portions of the source image to be displayed on the first and second display areas respectively wherein the second portion of the source image is a scaled portion of the source image such that when the first and second portions of the source images are displayed on the first and second display areas the resulting displayed image appears substantially continuous to a viewer situated to view the displayed image and the displayed resolution of the first portion of the source image is different from the displayed resolution of the second portion of the source image, and c) transmitting the first portion of the source image to the first display area and the second portion of the source image to the second display area.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hogle, IV (US 5,923,307).

Regarding Claims 1 and 4, Hogle, IV teaches a method for displaying a perceived continuous image across first and second display areas, each display area having a given display resolution and the display resolution of one display area is different than the display resolution of the other display area (Col.3, line 14-33; Col.11, line 48-59) comprising: a) providing a source image to be displayed on the first and second display areas (Figures 1-6; Summary; Column 1, line 4-67); b) providing first and second portions of the source image to be displayed on the first and second display areas respectively wherein the second portion of the source image is a scaled portion of the source image such that when the first and second portions of the source images are displayed on the first and second display areas the resulting displayed image appears substantially continuous to a viewer situated to view the displayed image (see window C in Figure 4; Col.1, line 53- Col.2, line 8) and the displayed resolution of the first portion of the source image is different from the displayed resolution of the second portion (Col.3, line 14-33; Col.11, line 48-59) of the source image (Figures 1-6; Summary; Column 1, line 4-67); and c) transmitting the first portion of the source image to the first display area and the second portion of the source image to the second display area (see window C in Figure 4; Col.1, line 53- Col.2, line 8; Figures 1-6; Summary; Column 1, line 4-67).

Regarding Claims 2 and 5, Hogle, IV teaches a method of claim 1 wherein the source image is provided in at least one computer readable file (fig.1,5-6).

Regarding Claims 3 and 6, Hogle, IV teaches a method of claim 1 wherein the source image is provided by at least one video camera (fig.1,5-6).

Regarding Claims 7 and 8, Hogle, IV teaches a method for displaying a perceived continuous video image across first and second display areas, each display area having a given display resolution and the display resolution of one display area is different than the display resolution of the other display area (Col.3, line 14-33; Col.11, line 48-59) comprising: a) capturing a first video image to be displayed on the first display area (Figures 1-6; Summary; Column 1, line 4-67),
b) capturing a second video image to be displayed on the second display area wherein the second image is a scaled portion of the first image such that when the images are displayed on the first and second display areas the resulting displayed image appears substantially continuous to a viewer situated to view the image (see window C in Figure 4; Col.1, line 53- Col.2, line 8), and the displayed resolution of the first video image is different from the displayed resolution (Col.3, line 14-33; Col.11, line 48-59) of the second video image (see window C in Figure 4; Col.1, line 53- Col.2, line 8; Figures 1-6; Summary; Column 1, line 4-67); and c) transmitting the first video image to the first

Art Unit: 2629

display area and the second video image to the second display area (see window C in Figure 4; Col.1, line 53- Col.2, line 8; Figures 1-6; Summary; Column 1, line 4-67).

Response to Arguments

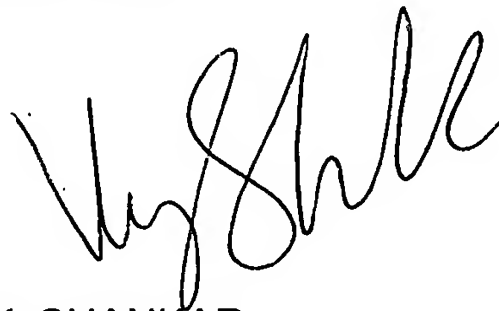
5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VIJAY SHANKAR
Primary Examiner
Art Unit 2629

VS